

ORIGINAL

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2010 MAR 24 PM 2:49

DEPUTY CLERK

UNITED STATES OF AMERICA

v.

JESSE WILLIAM MCGRAW

No. 3:09-CR-210-B

MOTION FOR DISCLOSURE OF INFORMANTS

Now comes the Defendant, Jesse William McGraw, Pro Se and in custody, asks for latitude as pursuant to Estelle v Gamble, and respectfully moves this Honorable Court to Order the Government to disclose the names and addresses of any and all informants whom the Government has utilized in the instant case.

AUTHORITY

The United States Supreme Court held in Roviaro v. United States, 353 U.S. 53 (1957), that:

Where the disclosure of an informant's identity, or of the contents of his communications, is relevant and helpful to the defense of an accused, or is essential to the fair determination of a cause, the informant's privilege must give way. Id. at 60.

Relying on the Court's opinion in Roviaro, the United States Court of Appeals for the Third Circuit has held that Roviaro requires a balancing of the Government's interest in maintaining confidentiality of its informant against a defendant's interest in disclosure. United States v. Jiles, 658 F2d 194, 198 (3d Cir. 1981), cert. denied, 455 U.S. 923, 102 S.Ct. 1282 (1982).

In the instant case, the Government relied on confidential information in obtaining its initial search warrants. In moving to suppress the contents of the searches in question, it is essential for the Defendants to investigate whether the Government's reliance on such sources of information was reasonable. The Defendants can clearly show that any alleged confidential informant utilized in their case is a key witness for the Government and, therefore, the informant's privilege should give way to the Defendant's right to disclosure.

The Government has stated that all such information has been provided or can be derived from the discovery previously provided.

CONCLUSION

Based on the foregoing, the Defendants respectfully request this Honorable Court to enter an Order granting the relief requested and for such other relief as this Court deems necessary and proper.

Dated: 3-19-10

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jesse McGraw', is written over a horizontal line.

Jesse William McGraw

Reg# 38690-177

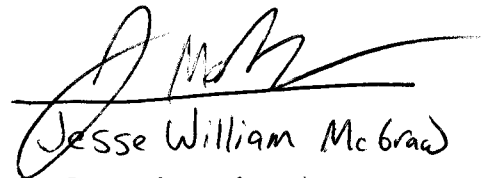
Seagoville FDC

P.O. Box 9000

Seagoville, Tx 75159

VERIFICATION

I, Jesse William McGraw, pursuant to 28 U.S.C. § 1746 hereby declare under penalty of perjury, under the laws of the United States of America, that the foregoing is True and correct, to the best of my knowledge and behalf.


Jesse William McGraw
38690-177